

for such extension is to be charged to Deposit Account No. 16-2372.

Claims 1-38 are pending in the present application. By this Amendment, Applicant has amended claims 1-38. Support for these amendments can be found in the application as originally filed. Accordingly, Applicant respectfully requests admittance and entry thereof. A copy of the claims as amended without underlining and brackets is provided in the attached Appendix.

The Office Action (mailed August 15, 2002), rejects all of the pending claims 1-38 as being unpatentable under 35 U.S.C. § 103(a) over Pettus, Williams, Jr. and Clark et al. Applicant respectfully traverses these prior art rejections of claims 1-38. Nonetheless, in an effort to expedite prosecution of this application, and place the claims in condition for allowance, Applicant has herein amended independent claims 1, 16, and 28. Applicant has further amended independent claims 1, 16, and 28 and has amended each of the dependent claims to improve their form, and in the case of claims 28-38, remove the "means plus function" language.

Applicant respectfully submits that various ones of the amendments to claims 1, 16, and 28 render moot the outstanding prior art rejections of claims 1-38, since none of the cited prior art references discloses, *inter alia*, " . . . software comprising computer executable code that is controllable using an applications program interface that supports requests specified at a functional level from each of a plurality of different software applications, wherein when the software is installed on a user station together with one or more of the plurality of different software applications . . ." (amended independent claim 1), ". . . fetching a schedule from a remote schedule source . . . and, capturing and storing the one or more desired data objects from the received broadcast data stream in accordance with the fetched schedule. . ." (amended independent claim 16), or ". . . logic for fetching a schedule from a remote schedule source . . . and, logic for capturing and storing the one or more desired data objects from the received broadcast data stream in accordance with the fetched schedule . . ." (amended independent claim 28). Accordingly, Applicant respectfully requests withdrawal of the prior art rejections of claims 1-38.

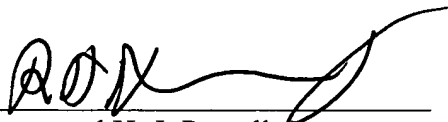
The Office Action further rejects claims 1-38 under the judicially-created doctrine of obviousness-type double patenting. Applicant, again, respectfully traverses this rejection of claims 1-38. Nonetheless, in order to advance the prosecution of this application, Applicant will file a

Terminal Disclaimer upon an indication of allowability of the amended claims as presented herein.

With regard to the Examiner's comment in the outstanding Office Action (mailed August 15, 2002) regarding the number of references cited in this case, Applicant wishes to thank the Examiner for his consideration of the references cited in the Information Disclosure Statements submitted by Applicant in this case, as confirmed by the Examiner initialing each of the cited references on the accompanying 1449 Forms. These references were cited to ensure compliance with Applicant's duty under Rule 56. There are a number of pending applications that include the same subject matter as the present case, and Applicant has made an effort to cross cite references from these pending cases. Moreover, Applicant has identified additional references through his own searching of the prior art. The combination of these factors has resulted in the citation of what the Examiner refers to as an "extraordinary large number of references." Applicant has complied fully with all applicable rules and regulations regarding the citation of prior art. Since the Examiner has already reviewed the references and has cited no authority in connection with his comments, Applicant will provide no further response to those comments.

Finally, although Applicant believes that this application is now in final condition for allowance, if the examiner believes there are any further issues that remain to be resolved, the examiner is encouraged to call Applicant's undersigned representative prior to taking any further formal action in this case.

Respectfully submitted,

  
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